

**DOMESTIC VIOLENCE  
AND CHILDREN EXPOSED TO  
DOMESTIC VIOLENCE  
LAW ENFORCEMENT  
PROTOCOL**

**SAN DIEGO COUNTY**

**2008 UPDATE**

## **INTRODUCTION**

The California State Legislature has declared that:

- (1) “[S]pousal abusers present a clear and present danger to the mental and physical well-being of the citizens of the State of California.” (California Penal Code section 273.8.)
- (2) “A substantial body of research demonstrates a strong connection between Domestic Violence and Child Abuse.” (California Penal Code section 13732(a)).

San Diego County Law enforcement’s response to Domestic Violence and Children exposed to such violence will be a focused, coordinated community approach that emphasizes early intervention. This protocol is not intended to address every situation or every potential issue, nor is it intended to substitute for individual officer discretion or individual departmental policies that are consistent with state law. The protocol is intended to promote victim safety, to protect children exposed to Domestic Violence, and to ensure abuser accountability.

## **BACKGROUND**

In August, 1990, the San Diego Police Chiefs and Sheriff’s Association voted unanimously to endorse the first San Diego Law Enforcement Protocol. The protocol was prepared in consultation with and in cooperation with domestic violence agencies across the county (Penal Code section 13701(b)). In 1998, the Law Enforcement Committee of the San Diego Domestic Violence Council updated the protocol. Seventy-five agencies countywide were part of the process. In 2007, a multi-agency committee revised and updated the protocol to reflect changes in the law and specifically address topics such as removal of firearms from batterers’ hands, as well as the protection of children exposed to Domestic Violence.

**SAN DIEGO COUNTY DOMESTIC VIOLENCE AND CHILDREN EXPOSED  
TO DOMESTIC VIOLENCE LAW ENFORCEMENT PROTOCOL**

**POLICY STATEMENT**

- All law enforcement agencies will respond to acts of Domestic Violence as a crime.
- Victims of Domestic Violence will be treated with respect and dignity and will be given appropriate assistance by law enforcement personnel responding to an incident of domestic violence, regardless of their sexual orientation, gender, age, or immigration status.
- The decision to prosecute a batterer lies within the discretion of the District Attorney and the City Attorney. Victims do not “press charges”, “drop charges” or “prosecute” their batterers.
- Law enforcement shall *encourage* the arrest of Domestic Violence offenders if there is probable cause that an offense has been committed.
- Law enforcement shall *require* the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order<sup>1</sup> has been violated.
- When possible and legally reasonable, law enforcement should remove firearms from the scene of Domestic Violence incidents.
- When reasonably possible, prosecutors should notify the court when Domestic Violence defendants have registered firearms.
- Children Exposed to Domestic Violence should be considered as separate victims in Domestic Violence incidents.
- Training will be provided regularly to enhance law enforcement’s response to Domestic Violence and children exposed to Domestic Violence.

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<sup>1</sup> Includes Emergency Protective Orders, Domestic Violence Restraining Orders, Family Law restraining orders, and Criminal Protective Orders.

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## **SECTION 1**

### **IMPORTANT DEFINITIONS**

**DOMESTIC VIOLENCE** means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, current or former dating or engagement relationship, or person with whom the suspect has had a child or is having or has had dating or engagement relationship (Penal Code section 13700 (a)).

**ABUSE** means intentionally or recklessly causing, or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury himself, herself, or another (Penal Code section 13700(a)).

**ABUSE + RELATIONSHIP = “DOMESTIC VIOLENCE INCIDENT”**

Any crime can be considered a “Domestic Violence Crime,” as long as the victim meets the relationship definition in PC 13700. For instance, if a boyfriend vandalizes his girlfriend’s car, this would be considered a “Domestic Violence” incident.

**COHABITANT** means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship (Penal Code section 13700(b)).

**DATING RELATIONSHIP** means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations. (PC 243(f)(10); FC 6210)). Casual, one-time dates or first-time encounters would *not* be considered “dating,” and therefore not “Domestic Violence.”

**DOMESTIC VIOLENCE RESTRAINING ORDERS/PROTECTIVE ORDERS** are essentially court orders enjoining one person from contacting another. The most common are Emergency Protective Orders, Domestic Violence Restraining Orders, Family Law Restraining Orders, and Criminal Protective Orders. (Family Code sections 2040, 6200, 6241, 7700, and Penal Code section 136.2) See section 8.

**STALKING** is willful, malicious, and repeated following, or willful and malicious harassment with a credible threat to place that person in reasonable fear for his or her safety or the safety of his or her immediate family (PC 646.9). Recognizing the Domestic Violence Stalking case is discussed in Section 6.

**DOMINANT AGGRESSOR** is the person who is the most significant, rather than the first, aggressor. Determining the dominant aggressor is discussed in Section 3.

**DUAL ARREST** is the arrest of both parties during a domestic violence incident. Dual arrests are discouraged and discussed in Section 3.

## SECTION 2

### **911 OPERATOR/DISPATCHER RESPONSE**

- I. Call takers who receive Domestic Violence calls shall dispatch officers to the scene. (Penal Code section 13702). Telephone reports are generally prohibited.
- II. When speaking to a victim of Domestic Violence, dispatcher(s) or 911 operators will not discuss the victim's desire to "press charges," "drop charges," or "prosecute." Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate.
- III. During the initial call for assistance, the call taker should ask these questions (not necessarily in this order) and encourage the victim to continue talking:
  - A. Where is the emergency? What address? What apartment number?
  - B. What has happened?
  - C. With whom am I speaking?
  - D. Are you the victim? If no, are you a witness?
  - E. Has anyone been injured? Is an ambulance needed? What are the injuries?
  - F. Who is the suspect? How do you know? Are you in a relationship with that person?
  - G. Describe the suspect.
  - H. Is the suspect present?
  - I. If the suspect is not present, do you know where he/she may be? If so, where, specifically in the residence? In the bedroom, living room, etc. If so, what is he doing right now? Direction of travel? If vehicles involved, type of vehicle?
  - J. Are weapons involved? If yes, what kind? Where are they located? Have you been threatened by the weapon today or in the past? How was the weapon used?
  - K. Is the suspect under the influence of drugs or alcohol? If yes, what substance?
  - L. Are children present? How old? Where are they now?
  - M. Have the police been to the address before? If yes, how many times?
  - N. Do you have a protective order?
- IV. The safety of Domestic Violence victims, whether the threat of violence is immediate or remote, should be the primary concern of 911 operators. 911 operators shall advise the victim to ensure his/her safety including, but not limited to, waiting for officers at a friend's home or simply leaving the residence.
- V. Calls reporting threatened, imminent, or ongoing Domestic Violence and the violation of any Domestic Violence restraining order or protective order shall be ranked among the highest priority calls.

#### **DISPATCHER PRACTICE TIP: RESTRAINING ORDERS**

*Only a court can change the status of a restraining order.* The victim's wishes, desires, or behaviors cannot (Penal Code section 13710(b)). This means that a restrained party is still in violation of a restraining order even if he/she invited the protected party's contact.

## **SECTION 3**

### **FIRST RESPONDER DUTIES**

#### I. DUTIES

- A. **General Pro-arrest Policy:** A pro-arrest policy will be implemented by all departments if there is probable cause that a Domestic Violence offense has been committed (Penal Code Section 13701(b).)
- B. **Felony Arrests:** If a peace officer has probable cause to believe that a felony has occurred, an arrest **shall** be made, absent unusual circumstances.
- C. **Misdemeanor Arrests in peace officer's presence:** If there is probable cause to believe that a misdemeanor offense has been committed in that officer's presence an arrest **should** be made.
- D. **Misdemeanor committed outside a peace officer's presence:** If a person commits an assault or battery upon his or her spouse, former spouse, former cohabitant, current or former dating or engagement relationship or upon the parent of his or her child, a peace officer **may** arrest the person without a warrant where **both** of the following circumstances apply:
  - 1. The officer has reasonable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
  - 2. The officer makes the arrest as soon as reasonable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed. (Pen. Code, § 836(d).)

**MANDATORY ARREST: VIOLATIONS OF VALID DOMESTIC VIOLENCE  
RESTRAINING ORDERS/PROTECTIVE ORDERS:**

**Law enforcement shall arrest** with or without a warrant, even if the violation occurred outside the peace officer's presence (PC 836(c)(1)). See section 8.

- E. **Private Person's Arrest:** If no arrest is made, an officer shall make a good faith effort to inform the complainant of his or her right to make a citizen's arrest (PC 836 (b)).
- F. **Cite and Release Discouraged in Domestic Violence Cases:** Citing and releasing a Domestic Violence suspect is discouraged because of our County's philosophy that Domestic Violence is a criminal violation that should be treated as a safety issue for victims and for the community.
- G. **Determining the Dominant Aggressor:** Per Penal Code 13701, the officer shall make a reasonable effort to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than

the first aggressor. In determining whether a person is the dominant aggressor, the officer shall consider the following:

1. The intent of the law to protect DV victims.
2. Any threats—real or implied—which instill fear of physical violence by one partner toward another.
3. Any history of violence between the partners.
4. If either partner acted in self-defense.

Other factors law enforcement personnel should consider:

1. Height/weight of the parties.
2. Criminal history.
3. Level of violence.
4. Presence of fear.
5. Existing court orders.
6. Corroborating witnesses.
7. Demeanor of parties.
8. Use of alcohol/drugs.
9. Offensive/defensive injuries (are the injuries consistent with explanation?).
10. Who was the 911 reporting party?

**H. Dual Arrests Discouraged:** Dual arrests are discouraged, but are not prohibited per Penal Code section 13701. It is the duty of law enforcement personnel to identify and arrest only the dominant aggressor. (See above) It is the purpose of this county-wide protocol to encourage all agencies to adhere to the intent of this mandate and refrain from making dual/mutual arrests. Dual arrests should be the extreme exception and should only be utilized as a last resort when all other investigative efforts fail.

**I. Use of PC 13730 reports:** When no arrest is made law enforcement should consider taking a PC 13730 report.

## II. WHAT TO DO AT THE DOMESTIC VIOLENCE SCENE

### A. ARRIVAL AT SCENE

1. Determine location and condition of victim(s).
2. Determine if suspect is still at scene.
3. Determine if any weapon is involved.
4. Summon ambulance if injuries require.
5. Separate the victim, suspect and witnesses.
6. Prevent communication between the parties. This includes removing victim and witnesses from suspect's line of sight and range of hearing. Re-ask about weapons once the parties are separated.
7. Determine what, if any, crime has occurred.
8. If a sexual assault is reported, follow the procedures set forth in section 5.
9. If children are present, follow the procedures set forth in section 7.

## B. INTERVIEW ALL PARTIES

Interview victim and witnesses separately, including any children who may have witnessed the incident or any prior incidents. **Do not ask the victim whether he/she wishes to press charges.** The decision to prosecute is made by the District Attorney or the City Attorney. The victim and suspect should be advised that he/she has no control over the decision to prosecute.

1. **VICTIM:** Note and document the following:
  - a. The victim's physical condition, including
    - (1) any injuries—describe in detail  
Determine if medical treatment is necessary and seek appropriate care
    - (2) torn clothing
    - (3) smeared makeup
  - b. The victim's emotional condition
  - c. Any evidence of substance/chemical abuse by victim
  - d. Determine victim's relationship to suspect
  - e. Record any spontaneous statements of the victim
  - f. Obtain emergency contacts, telephone numbers, and pager numbers for the victim
  - g. Note any statements made by suspect to victim during incident.
  - h. **Ask the victim if she/he wants to be notified when the suspect is released from jail.** (The Deputy/Officer can then make this request to the jail staff on behalf of the victim at the time of booking.)
  - i. Note any prior history of abuse. Document these incidents in detail. (Evidence Code section 1109.)
2. **WITNESSES:**
  - a. Interview all witnesses separately and record names, addresses, phone numbers and emergency contacts.
  - b. List the names and ages of children present.
  - c. Interview all children pursuant to this protocol. See section 7.
  - d. Record names and addresses of emergency personnel.
  - e. Interview neighbors (ear-witnesses).
  - f. Determine from witnesses if they are aware of a history of abuse. (Evidence Code section 1109.)
3. **SUSPECT:**
  - a. Describe suspect's location on arrival.
  - b. Describe suspect's physical condition.
  - c. Describe suspect's emotional condition.
  - d. Document evidence of substance/chemical abuse by suspect, conduct examination and add charge if appropriate.
  - e. Record spontaneous statements.
  - f. Document, describe and photograph any injuries.
  - g. Inform suspect that abuse is a crime and obtain waiver.
  - h. Interview suspect.

4. **EVIDENCE**

- a. Describe crime scene. Note signs indicating struggle such as overturned furniture, hair that has been pulled out, blood, broken fingernails, holes in walls, damaged telephones, etc.
- b. Photograph crime scene if applicable.
- c. **Determine if firearms or other deadly weapons are present and seize pursuant to Penal Code section 12028.5.**
- d. Ensure that victim's and suspect's injuries are photographed clearly.
- e. Impound and photograph all weapons and other evidence including all instrumentalities of the crime (i.e. belts, phone cords, hangers, gas cans, lighters, broken lamps, etc.).
- f. When using digital cameras, follow established departmental guidelines as well as the District Attorney's Office guidelines for the storage and transfer of digital images.

5. **MEDICAL TREATMENT**

If medical treatment is necessary:

- a. Transport or have victim transported to hospital.
- b. Obtain names, addresses and telephone numbers of ambulance or paramedic personnel treating the victim.
- c. When reasonably practical, try and photograph victim's injuries before victim is transported to the hospital.
- d. Obtain signed medical release from victim.
- e. Obtain copy of medical treatment form including doctor's name, address and telephone number.
- f. Interview treating physician and confirm nature and severity of injuries.
- g. Document whether victim made statements to treating personnel regarding injury, incident or prior abuse.

**COMPLETE A DOMESTIC VIOLENCE CRIME REPORT**

Law enforcement shall complete Crime Reports in all Domestic Violence incidents. (PC13730)  
Law enforcement should maintain objectivity in reporting and avoid personal opinions regarding comments from victim/suspect.

6. **DUTY TO ADVISE VICTIMS OF SAFETY INFORMATION**

- a. Provide referrals to community resources and relevant phone numbers (See ADDENDUM – SAFETY & DV INFORMATION SHEET). Review the content of the handout with the victim.
- b. For certain jurisdictions you may contact the Domestic Violence Response Team (DVRT) for a trained advocate to assist the victim(s) and their children at the scene of an emergency response (call San Diego County Domestic Violence Hotline 888-DV-LINKS for this service).
- c. Explain the options available to the victim including the private person's arrest process, EPO, temporary restraining orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.

- d. BAIL ISSUES: Consider requesting a bail enhancement in situations where the amount listed in the bail schedule is insufficient to ensure the victim's safety.

**LEGALLY REMOVE ALL FIREARMS FROM DOMESTIC VIOLENCE SCENES AND FROM THOSE PARTIES SUBJECT TO A DOMESTIC VIOLENCE RESTRAINING ORDER. (PC 12028.5, Family Code 6275)**

Law enforcement must remember to seize all firearms pursuant to PC 12028.5. This can be the most important step to preventing future violence.

**COMPLETE THE COUNTY APPROVED  
"DOMESTIC VIOLENCE SUPPLEMENTAL" 2-PAGE FORM.**

Law enforcement shall complete this form and attach it to each Domestic Violence incident report. This form is extremely helpful to prosecutors, assists them in making issuing decisions, and can serve as useful evidence in trial. This form is attached in Appendix C.

## **SECTION 4** **FOLLOW-UP INVESTIGATION**

- I. All Domestic Violence reports prepared by officers pursuant to Penal Code section 13700 et. seq., shall be referred to investigative personnel for review and follow-up investigation as needed.
  - A. "Investigative personnel" refers to a detective, investigative specialist, or other designated personnel.
  - B. Investigative personnel receiving Domestic Violence related crime and arrest reports shall process them in the same manner as all other criminal violations.
  - C. Whenever possible, investigative personnel will be specifically designated to handle Domestic Violence cases based on an investigator's desire to handle such cases.
- II. Follow-up investigations should consist of the following steps:
  - A. Review patrol reports and determine whether all steps outlined in Section 3 were completed. If patrol officer failed to complete any of the above, make sure the work is completed. Do not ask the victim whether he/she wishes to press charges.
  - B. Re-interview the victim, witnesses and children (see section 7).
    - 1. Do not simply "confirm" what is in the patrol officer's report.

2. Interview the victim or witness in detail and document the information received in your follow-up report.
  3. Whenever possible, interview the victim in person.
  4. Obtain subsequent photographs of the victim even if the patrol officer took photographs.
  5. Obtain copies of medical reports and Medically Mandated Report copies - "Suspicious Injury Form," if available.
  6. Obtain a copy of the 911 tape and the printout involving the original call for assistance.
  7. Locate and interview other corroborating witnesses (such as neighbors) who may have heard the incident, yet had not become involved. These "ear-witnesses" can be invaluable during prosecution.
  8. Inform the victim and witnesses of the status of the case and the intended referral to the District Attorney or the City Attorney.
  9. Record the names, addresses and telephone numbers of two close friends or relatives of the victim who will know of her/his whereabouts at all times during and after the investigation.
  10. Conduct a complete ARJIS history of the suspect and the victim and attach it to the investigator's report.
  11. Obtain copies of prior police reports, prior 911 printouts and tapes if they exist.
  12. Interview the suspect unless he/she has invoked.
- C. Investigative personnel handling domestic violence cases should analyze each domestic violence case by considering the following questions:
1. Can the elements of the offense be established without the testimony of the victim?
    - a. If yes, the case should be submitted to the District Attorney or the City Attorney for review, irrespective of the wishes of the victim.
    - b. If the answer is no, the investigator must determine if the victim is generally cooperative, i.e. will he/she come to court and tell the truth if subpoenaed to do so.
      - (1) If the victim will, the case should be submitted to a prosecutor for review.
      - (2) If the victim will not, determine whether further corroboration can be obtained to allow the prosecution to proceed without a cooperative victim.
      - (3) If the answer is no, and there is no independent corroboration to establish the offense, the case need not be submitted for review but should be filed with records pursuant to PC 13700.
      - (4) If the investigator determines there is a high risk of lethality based upon patrol reports and follow-up investigation, discuss the case with a prosecutor.
      - (5) Even if the case is not submitted, make sure the victim receives the proper referrals for victim services.

## **SECTION 5**

### **DOMESTIC VIOLENCE SEXUAL ASSAULTS**

- I. When a peace officer responds to a call involving domestic violence and learns that a victim has been sexually assaulted, the peace officer shall do the following:
  - A. Ensure the victim's safety.
  - B. Evaluate the need for emergency medical care.
  - C. Evaluate the need for additional units and a supervisor.
  - D. Check for possible suspects.
  - E. Identify, isolate and interview potential witnesses.
  - F. Preserve the crime scene and impound evidence or request assistance from evidence technician.
  - G. Conduct an interview of victim.
  - H. Determine the need for an evidentiary exam.
  - I. Notify a SART facility (see below).
  - J. Transport the victim to a SART facility.
  - K. Stand by during the Sexual Assault Evidentiary Exam.
    - (1) Officers who are the same sex as the victim may remain in the examination room.
    - (2) Officers of the opposite sex are not to remain in the examination room, but must remain at the facility.
  - L. Provide transportation to the victim upon completion of the examination.
  - M. Impound evidence. (See below)
  - N. Complete reports and submit them to investigations.

**THE MAIN DEFENSE IN A DOMESTIC VIOLENCE RAPE CASE IS *CONSENT*. GEARING YOUR INVESTIGATION TOWARDS COMBATting THE CONSENT DEFENSE WILL BE HELPFUL FOR PROSECUTION.**

#### II. SART

- A. The Sexual Assault Response Team (SART) is comprised of three disciplines: law enforcement, the sexual assault examiner and a rape crisis advocate.
- B. SART FACILITIES:
  1. Pomerado Hospital, 15615 Pomerado Road, Poway, CA 92064, (760) 739-2150
  2. Independent Forensic Services, 4276 Suite C 54<sup>th</sup> Place, SD, 92115, (619) 692-5924
  3. American Forensic Nurses (Male Sexual Assault Evidence Collection), (800) 516-6341
  4. Children's Hospital\* Chadwick Center for Children and Families, 3020 Children's Way, San Diego, CA 92123, (858) 966-5980
  5. Palomar Hospital\*, Child Abuse Program, 121 North Fig St., Escondido, CA 92025 (760) 739-2150; (888) 211-6347 Nights and Holidays

\*Children's Hospital and Palomar Hospital have comprehensive programs to assist in the detection of child abuse and molest. In cases involving child and adolescent victims, officers should transport the victim to one of these facilities.

### III. SEXUAL ASSAULT FORENSIC EXAMINATION PROCEDURES FOR SUSPECTS

- A. Forensic examinations should be conducted on individuals suspected of committing a sexual assault. Some Law Enforcement agencies may contract with a private company to conduct these exams or the exams. Officers must be aware of their agency's procedures and policies regarding these exams.
- B. Once the exam is completed officers must impound all evidence collected.

### IV. EVIDENCE COLLECTION AND IMPOUNDS

- A. Officers must collect evidence both at the crime scene and at the forensic examinations of both the victim and the suspect.
  - 1. All clothing worn by the suspect at the time of the offense shall be impounded.
  - 2. Clothing worn by the victim that may be contaminated or contain evidence shall be impounded. If a victim's clothing is impounded as evidence, have the victim take a change of clothing to the hospital.
  - 3. Victim and suspect clothing must be impounded in separate **paper** bags. **Do not impound the clothing in plastic bags.**
  - 4. Evidence that cannot be obtained by the responding officer must be protected until the assigned investigator determines if an evidence technician is needed.
  - 5. All other items that could possibly contain evidence (i.e. bedding, condoms and packaging, etc.) shall be collected, bagged separately and impounded.
  - 6. Clothing and rape kits may be impounded on the same property tag, however, the officer must indicate which kit belongs to the victim and which belongs to the suspect and must further itemize all other property.
  - 7. The pink copy of the forensic examination form (OCJP 923 and 925) shall be attached to the rape kit before impounding. All other copies will be forwarded to the appropriate investigative unit with the preliminary investigation.
  - 8. If the assault occurred in a vehicle, it should be impounded as evidence with a hold for the appropriate investigative unit.
  - 9. If the victim may have ingested any drug obtain a **urine** sample as soon as possible. The drug may be detectable within 36 hours after ingestion.

### V. INFORMATION TO BE GIVEN TO VICTIMS

- A. In accordance with Penal Code section 264.2, sexual assault victims shall immediately be given the "Information for Victims of Domestic Violence/Sexual Assault" form. The form outlines procedures victims should follow after an assault. In addition, it lists various services available to sexual assault victims.
- B. Penal Code sections 293 and 293.5 require that officers advise victims of sexual assault that the victim's name will become a matter of public record **unless they request otherwise.**
  - 1. An officer shall advise the victim of her/his right to anonymity and advise the victim to discuss this right with the Deputy District Attorney handling their case.

2. For purposes of this section, a sex crime is defined as Penal Code sections 220, 261 through 267, and 281 through 292.
  3. Law enforcement agencies are prohibited from disclosing the victim's name and address to anyone except the prosecutor if requested by the victim.
  4. Officers will use the victim's true name when completing their crime and arrest reports, property tags, hospital records, etc. These records are a necessary part of a criminal investigation.
- C. Penal Code section 679.04 says that victims of sexual assault, including spousal rape, have the right to have a sexual assault victim counselor and at least one additional support person chosen by the victim present at any evidentiary, medical or physical examination or interview by law enforcement authorities, district attorneys, or defense attorneys.
1. The initial investigation by Law Enforcement at the crime scene to determine whether a crime has been committed and the identity of the suspects **does not** constitute a law enforcement interview.
  2. The law requires that, prior to any interview by Law Enforcement or district attorney contact, the victim shall be notified either orally or in writing by the attending Law Enforcement authority or District Attorney that the victim has the right to have a victim advocate and a support person present at the interview.
  3. It is mandatory that all sexual assault victims are interviewed by a Deputy District Attorney prior to the issuance of a sexual assault case absent exigent circumstances. This interview is crucial and required so prosecutors can determine what if any criminal charges should be filed. Investigators must be prepared to transport the victim to the District Attorney's Office for the interview.

## SECTION 6

### **RECOGNIZING THE DOMESTIC VIOLENCE STALKING CASE**

STALKING DEFINED: Penal Code section 646.9 defines stalking as:

“Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.”

- A. Law enforcement should be thinking about the possibility of stalking when victims report that they have made life changes due to a suspect's actions (i.e. when victims have changed their phone numbers, changed their routes to and from work, changed locks on the doors, etc.). Additional inquiry must be made to determine whether this is an isolated incident or repeated conduct.
- B. A **credible threat** means a verbal or written threat or a threat implied by a pattern of conduct or a combination of both made with the intent to place the person that is the

target of the threat in reasonable fear for his or her safety or the safety of his or her family. A **credible threat** also requires that the suspect has the apparent ability to carry out the threat so that the target of the threat is reasonably fearful for his or her safety. It is not necessary to prove that the suspect had the intent to actually carry out the threat. A suspect can make a credible threat even if he/she is in jail. A credible threat can be made electronically or through any electronic communication device. "Electronic Communication device" includes but is not limited to phones, cell phones, computers, video recorders, fax machines, or pagers. (Penal Code sections 646.9(g)(h))

- C. The element of **credible threat** is often the toughest element to prove beyond a reasonable doubt.

Discuss potential stalking cases with specially trained Stalking prosecutors at the City and District Attorney's offices. Anytime someone is booked for Stalking, law enforcement should contact the Stalking Unit of the District Attorney's office at 619-533-4300.

## SECTION 7

### **CHILDREN EXPOSED TO DOMESTIC VIOLENCE INCLUDING BASIC GUIDELINES FOR CHILD WITNESS INTERVIEWS**

Children are often present at Domestic Violence calls. Research studies have consistently found a high correlation between children's exposure to domestic violence and 1) trauma symptoms such as depression, anxiety, posttraumatic stress and an impacted sense of well-being, safety, and stability 2) behavioral, social and emotional problems such as aggression, anger, hostility, and low self-esteem 3) cognitive and attitudinal problems such as poor school performance and lack of conflict resolution skills 4) increased tolerance for violence in relationships and high levels of adult depression.<sup>2</sup>

#### A. GUIDELINES FOR OFFICERS

1. Recognize that whenever children are present during a Domestic Violence situation, they may have been direct victims. (i.e. if the child was battered or injured consider PC 242, PC 273a(a))
2. Recognize that even if a child was *not* present during the immediate instance of Domestic Violence, they may have been exposed to it in the past. (consider interviewing the child for this purpose in order to obtain corroboration or pattern evidence)

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<sup>2</sup> Rossman, 2001; Singer, Angelin, Song, and Lunghofer, 1995; Dube, Anda, Felitti, Edwards, & Williamson, 2002; McEwen, 2000; Perry, 2001; CDC, 1999; Malinosky-Rummell & Hansen, 1993; Daro et.al., 2004; Finkelhor 2006; Osofsky, 2004

3. Recognize that if a child was present during Domestic Violence (even in a different room), that child can be a victim pursuant to PC 273a(b)).
4. Recognize that often, children do not “sleep through” the Domestic Violence, despite what a victim may tell you.
5. Interview all children present and take a statement when possible. Children as young as four are often able to describe the violent episode. Children can be reliable witnesses when interviewed properly. (See sample questions below)
6. Interview the domestic violence victim and child witnesses separately from the suspect to prevent undue influence.
7. If children were in the home at the time of the Domestic Violence incident or personally witnessed the Domestic Violence, make sure to list them on the Domestic Violence Incident Report as witnesses or in the body of the report. If a child is a victim of any crime, including such crimes as child endangerment, list the child as a victim in the report or write a separate report.
8. Take color photographs of the crime scene including any evidence of children’s exposure to violence, e.g. crib/child’s bed in room where victim was injured, toys broken or thrown around room.
9. Note the child’s demeanor (as see on the DV Supplemental PC 13700 form): Fearful, angry, calm, tearful/crying, nervous, upset, etc. This assists prosecutors in determining whether the statement will be admissible in court.

**WHEN CHILDREN ARE PRESENT DURING A DOMESTIC VIOLENCE INCIDENT CONSIDER CHARGING PC 273a(b), CHILD ENDANGERMENT, AS AN ADDITIONAL CRIME.**

## B. INTERVIEWING CHILDREN

Children can be reliable and credible witnesses when properly interviewed. The utmost care and consideration for the children’s physical and mental welfare is paramount. Here are some interviewing techniques that may assist law enforcement when interviewing children. This list of suggestions is not all-inclusive. Let your training, experience, and department policy guide you. See the San Diego County Child Victim/Witness Protocol for suggestions.

1. Start by establishing rapport.
2. Locate an area where the child will feel safe and comfortable within the residence.
3. Talk to the child at his/her physical level.
4. Talk to the child at his/her educational/developmental level.
5. Ask non-threatening or non-intimidating questions.
6. If possible, remove the child from the victim’s and suspect’s line of sight.
7. Ask simple, open-ended questions, including:
  - a. What happened? (hitting yelling, etc.)
  - b. Who was there? (mommy, daddy, etc.)
  - c. Did anyone get hurt? (get description of injury “owie”)
  - d. Who did the hurting? (mommy, daddy, both, etc.)
  - e. What was mommy-daddy hurt with? (description of mechanism, fist, belt, etc.)

- f. When did it happen? (day, night, etc.)
  - g. Where did it happen? (location in the house)
  - h. Has it happened before? (if yes, document frequency)
  - i. Are you hurt? (If yes, refer to child victim/witness protocol)
8. Allow the child to describe in his/her own words what happened.
  9. Avoid asking leading questions.
  10. Allow the child time to respond; ask questions again if necessary.

**C. USE OF CHILDREN AS INTERPRETERS IS DISCOURAGED.**

Using children as interpreters is discouraged. This may increase a child's trauma or puts him/her in a situation of divided loyalty, or he/she may fear repercussions from the aggressor in the incident. The translation may also be unreliable, because it is affected by the child's own emotional state.

**D. CROSS-REPORTING TO CHILD PROTECTIVE SERVICES (CPS)**

The officer, either alone or with a protective services worker, must also determine whether or not there is a protective issue for the victim and other children in the home. If leaving the children in their current situation would put them at risk, the officer **MUST** take them into protective custody per Welfare and Institutions Code section 300. Children taken into protective custody should be taken to Polinsky Children's Center, other designated receiving homes, or released to a protective services worker.

When children reside in the home where Domestic Violence occurs, Law Enforcement should determine:

1. If the circumstances do not meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1-11165.5 (requiring a report to CPS), law enforcement should make a referral to a community-based organization that will provide necessary services for the children and the family.
2. If the circumstances meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1-11165.5, a telephone call, as soon as practicably possible, and sending a written follow-up report (DOJ from SS8572) within 36 hours to CPS, are required.
3. If the circumstances meet the definition of child abuse and neglect as defined in Penal Code sections 11165.1-11165.5, use your Department's guidelines to determine whether or not to place the child into protective custody.

**E. FORENSIC INTERVIEWS FOR CHILDREN EXPOSED TO DOMESTIC VIOLENCE**

In a case where Domestic Violence results in a homicide or attempted homicide, all children living in the home should be interviewed as soon as possible (according to the Child Victim/Witness Protocol) at the Children's Hospital Center for Child Protection or Palomar Hospital. Officers should also consider forensically interviewing children who are critical witnesses to other violent or serious felonies.

## SECTION 8

### **DV RESTRAINING/PROTECTIVE ORDERS**

#### I. GENERAL POLICY:

Domestic Violence restraining /protective orders shall be enforced by all Law Enforcement officers. This includes orders from other states. (PC 13701, PC 836(c)(1)).

#### II. MANDATORY ARREST POLICY:

PC 13701(b) states that law enforcement **shall arrest** an offender, absent exigent circumstances, if there is probable cause that a DV restraining order/protective order has been violated. (PC 13701(b))

PC 836(c)(1) states that the officer shall make an arrest even without a warrant, and **whether or not the violation occurred in the officer's presence.** (PC 836(c)(1)).

**\*Important:** Per Penal Code section 13710(b), the terms and conditions of a Restraining or protective order remain enforceable, *notwithstanding the acts of the parties*, and *may be changed only by order of the court.* **This means that, “protected persons” are not in violation of protective orders when they acquiesce or invite the restrained party’s contact, and should not be arrested.** (PC 13710(b))

**In situations where mutual protective orders have been issued**, liability for arrest applies only to those persons who are reasonably believed to have been the dominant aggressor. (PC 836(c)(3)). In those situations, before making an arrest, Law Enforcement shall make reasonable efforts to identify, and may arrest the dominant aggressor involved in the incident. The dominant aggressor is the person determined to be the most significant, rather than the first aggressor. In identifying the dominant aggressor, Law Enforcement shall consider a) the intent of the law to protect victims or domestic violence from continuing abuse, b) the threats creating fear of physical injury c) the history of Domestic Violence between the persons involved and d) whether either person involved acted in self defense. (PC 836(c)(3)).

#### III. WHAT IS A “DOMESTIC VIOLENCE RESTRAINING ORDER/PROTECTIVE ORDER?”

Any order that enjoins one person from contacting another. (Orders issued pursuant to Family code section 2040, Family Code section 6218, Penal Code section 136.2, and those issued by a Criminal Court pending a criminal proceeding, *and Emergency Protective Orders*)

#### IV. HOW TO DETERMINE WHETHER THE ORDER IS VALID

- A. Law Enforcement can check with dispatch to see if a served order is on file.
- B. Law Enforcement can access full information about the terms of the order through SDLAW.
- C. Law Enforcement can also check on [www.sdsheriff.net](http://www.sdsheriff.net) which lists limited restraining order information for all protective orders that are entered into CLETS.

- D. Law Enforcement can also call the Sheriff's Department 24-Hour Law Enforcement Line (law enforcement only) at (858) 974-2457 and ask the following questions:
1. **Is there a restraining/protective order on file?** (If so, it will be filed under the name of the restrained party)  
**IMPORTANT:** If Sheriff personnel cannot verify the order, it may still be enforceable. If the responding officer believes in good faith that an order presented to him or her at the scene is valid and the suspect was on notice (see questions B through E below), a *private person's arrest* may be made even though the Sheriff's Department was not provided a copy to enter into DVROS.
  2. **What is the date of the order?** When did/does the Order become effective?
  3. **What is the expiration date?** Has the Order expired?
  4. **What are the terms of the order?** For instance, whether peaceful contact is allowed is important information in determining whether a violation has occurred.
  5. **Was the restrained person served with the Order?** Is there a Declaration of Service on file or has another officer given the needed notice to the person to be restrained?
- E. NO RECORD OF SERVICE. If no record of service exists:
1. Advise the restrained person that there is an Order in effect,
  2. Give a copy of the Order to the restrained person or, if no copy is available to give, have the terms of the Order read over the phone and then verbally inform him/her of those terms,
  3. Advise him/her that s/he is now subject to the terms of the Order and can be arrested for any further violations,
  4. Notify the Sheriff's Department and report that you have served a copy of the Order on the defendant (The Sheriff will record your name, ID number, date, time and location that the suspect received notice),
  5. Prepare and sign a Proof of Service, and
  6. File the Proof of Service as part of the report. Investigations personnel shall ensure the original Proof of Service is filed with the court issuing the Order and a copy retained with the police report.

V. VICTIMS SHALL BE ADVISED ABOUT AVAILABILITY OF EMERGENCY PROTECTIVE ORDERS:

An Emergency Protective Order (EPO) can be an important tool for law enforcement in the prevention of future violence. Law Enforcement **shall inform victims of the availability of EPO** when they have reasonable grounds to believe there is an immediate and present danger 1) of Domestic Violence based on the person's allegation of recent abuse or threat of abuse, or 2) the EPO is necessary to prevent the occurrence or recurrence of Domestic Violence. *If the person requests such an order, the officer shall request an EPO from the court.* (Family Code sections 6275, 6251, 6250, PC 646.91)

- A. EPO's are available 24-hours a day, 7-days a week.
- B. This is not just an after-hours or weekend remedy.
- C. The fact that no crime has yet been committed does not eliminate the duty to advise victims about EPO's.

- D. **Law Enforcement does not need permission from victims or the request from victims in order to request an EPO from the court.** Law Enforcement can request EPO's on their own. (See Family Code 6250(a))
- E. Whether the respondent is in custody or the protected person left the home for safety reasons should have no bearing on the availability of an EPO, and should not be factored into the immediate and present danger determination.
- F. If a Protective Order is obtained, a Crime/DV Incident Report shall be prepared on the incident.

VI. HOW TO OBTAIN AN EMERGENCY PROTECTIVE ORDER:

*This procedure may be utilized 7 days a week, 24 hours a day.*

- A. If a protective order is being sought, the officer will complete Form EPO-001 (rev. 1-07) Application for Emergency Protective Order (CLETS).
- B. After court hours, weekends and holidays, the officer will telephone the duty judge through the duty telephone at the Sheriff's Office at 858-974-2493 (this is a non-public number).
- C. During court hours, the officer will contact a judge through the Family Court at (619) 557-2120 (this is a non-public number).
- D. Upon approval by the judge, the officer will complete Form EPO-001 (rev. 1-07), Emergency Protective Order (CLETS). This order may be granted for up to five (5) full court days and will expire at 5:00 p.m. on the last specified court day.
- E. The officer will provide the **pink copy** of the application and the order to the issuing agency and the **canary yellow copy** to the protected party. The officer will submit the **white copy** of the application to the restrained party. The **goldenrod copy** of the application will be attached to the crime report for the court.
- F. The officer requesting the Order shall carry copies of the order while on duty. (Pen. Code, § 13710(c)) requires the law enforcement officer to make a reasonable effort to serve the restrained party with the EPO.)
- G. The officer will encourage the protected party to carry a copy of the Emergency Protective Order with him/her.
- H. Make sure to fax the front and back pages of the approved Emergency Protective Order to the Sheriff's office at (858) 974-2492 whether or not the EPO was served to the restrained party. If you are unable to get through, you may try fax (858) 974-2457.
- I. Verbal admonishment by a law enforcement officer shall constitute valid service of the order under the following conditions:
  - a. Verbal admonishment must be conducted in person.
  - b. The terms and conditions must be read to the restrained person. Terms and conditions can be obtained by calling (858) 974-2457.
  - c. Advise restrained person to go to the local court to obtain a copy of the order containing the full terms and conditions of the order per Family Code section 6383(g).

**PREPARE A CRIME REPORT FOR EVERY DV RESTRAINING ORDER/PROTECTIVE ORDER VIOLATION.**

Law enforcement should always prepare and submit a crime report of the appropriate restraining order violation regardless of whether or not the suspect is still present at the scene.

## **SECTION 9**

### **OFFICER INVOLVED DOMESTIC VIOLENCE PROCEDURES**

No person, because of his or her occupation, should be exempt from the application of the laws concerning domestic violence, or the duties proscribed in this protocol. When responding to a domestic violence call involving another officer, the following procedures are recommended:

#### I. INVESTIGATIONS INVOLVING OFFICERS FROM OTHER AGENCIES

- A. These cases will be handled according to Domestic Violence laws, departmental policies, this protocol, and the Peace Officer's Bill of Rights.
- B. The supervisor of the investigative unit will notify the agency that employs the officer as soon as possible.
- C. A copy of the completed investigation will be provided to the supervisor of the investigative unit completing the investigation.

#### II. INVESTIGATIONS INVOLVING OFFICERS WITHIN AGENCY

- A. These investigations will be handled according to Domestic Violence Laws, Departmental policies, this protocol, and the Peace Officer's Bill of Rights.
- B. These are guidelines only. Each agency should develop and follow specific Department Policies and Procedures regarding Officer Involved Domestic Violence consistent with the Peace Officer's Bill of Rights.

#### III. REFER TO SECTIONS 1-8 IN THIS PROTOCOL FOR ALL OFFICER-INVOLVED DOMESTIC VIOLENCE SITUATIONS.

In addition to sections I and II above, law enforcement shall also refer to sections 1-8 in this County-wide protocol.

## **SECTION 10**

### **COURTESY REPORTS**

If the responding agency determines that the abuse took place in another jurisdiction, the following procedures are encouraged:

- A. Attempt to contact the agency where the crime occurred.
- B. Ascertain if the agency will send officers to conduct an investigation in a timely manner.
- C. While waiting for the responding officers from the jurisdiction where the crime occurred, prepare a short ARJIS 9 to document anything you witnessed first- hand including actions, statements, and demeanor of the victim/suspect.

- D. If an officer from the jurisdiction where the crime occurred is unavailable, prepare a “courtesy” report.
1. The “courtesy” report should meet the same standards as any crime report investigated by that jurisdiction. (Arjis 2)
  2. Law Enforcement should use the DV Supplemental report form (13700 P.C)
  3. An effort should be made to recover any relevant evidence including photographing the injuries.
  4. A case number should be assigned to the case to meet the reporting requirements set forth in Penal Code section 13730.
  5. The case number can be either permanent or temporary based upon the policies and procedures of that specific agency.
  6. Notify the agency where the crime occurred that the report has been made.
  7. Fax a complete copy of the investigation to that agency’s record section and/or to the investigative unit responsible to investigate the crime as quickly as possible.

**SECTION 11**  
**REMOVAL OF FIREARMS FROM A  
DOMESTIC VIOLENCE INCIDENT OR SCENE**

- I. Law enforcement shall make every attempt to legally seize weapons from Domestic Violence incidents. (PC 12028.5)
- II. Prosecutors should notify courts when reasonably possible when Domestic Violence defendants have registered firearms.
- III. The District Attorney’s Office will run the Automated Firearms computer screens in all Domestic Violence cases when feasible, and attempt to notify the courts of relevant information regarding those registered firearms.

## **ADDENDUM - A**

### **TEEN RELATIONSHIP VIOLENCE**

#### **I. JURISDICTION**

Domestic Violence offenses such as Penal Code sections 273.5 and 243(e) apply equally to juvenile offenders. When a juvenile commits any crime within the state, the Juvenile Court has jurisdiction over the minor and the District Attorney's Office is responsible for the prosecution of those cases.

#### **II. POLICE RESPONSE**

- A. **Investigation**. When investigating a Domestic Violence offense involving a juvenile offender, Law Enforcement agencies are encouraged to use the term "teen relationship violence" as opposed to "domestic violence." To ensure proper handling by Juvenile Court professionals, it is important for Law Enforcement officers to determine and document the relationship between the parties in their report.
  
- B. **Arrest**. While pro-arrest policies equally apply to "teen relationship violence" cases, it should be noted that when a juvenile is arrested, it is the "Risk Screening Criteria" as set forth by San Diego Probation Department that will determine whether a juvenile will be incarcerated in Juvenile Hall. When a juvenile is incarcerated, there is no bail. The juvenile will stay in Juvenile Hall until he or she is arraigned.
  
- C. **Juvenile Contact Report**. Regardless of whether a juvenile offender is detained and the victim is a minor, officers are encouraged to provide "victim assistance" (as described in this protocol) to the minor victim including an emergency protective order and referral information.
  
- D. **Cross-report to CPS**. Since the juvenile offender is a minor, a cross-report to CPS is still required.

#### **III. PROTECTIVE ORDERS FOR TEENS**

As a result of recent changes in the law, a minor 12 years old or older may seek a protective order against an abusive partner without a guardian or counsel under Family Code section 372. Emergency Protective Orders shall also be issued for teen victims when applicable.

#### **IV. ADDITIONAL INFORMATION**

For additional information concerning teen relationship violence, you may contact the TRV Committee of the San Diego Domestic Violence Council at 619-533-6000.

## **ADDENDUM – B** **MILITARY**

### **I. NAVY RESPONSE**

Spouse and child abuse has a negative effect upon military readiness, effectiveness, and good order and discipline. Accordingly, response to spouse and child abuse is a leadership issue.

The Navy Family Advocacy Center is directed by the U.S. Department of Defense to assist with the intervention and prevention of domestic abuse. Victim Advocates assist victims with obtaining resources and referrals to help them maintain safety in or out of an abusive relationship.

A committee of military personnel reviews clinical assessments, medical and law enforcement reports and is tasked with recommending treatment for offenders and victims. These recommendations do not take the place of civilian prosecution/mandates, but may be substituted for civilian treatment requirements with court approval. The Navy is able to intervene with immediate safety needs by issuing a Military Protective Order that instructs the Service Member to stay away from the alleged victim. This is recognized by the Navy only and a civilian protective order should be obtained for Law Enforcement protection.

#### **Point of Contact:**

Family Advocacy Center 3135 Dolphin Alley Building 261 San Diego, CA 92136-5182 Tel: (619) 556-8809 Fax: (619) 556-9473
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### **II. MARINE CORPS RESPONSE**

The Marine Corps' philosophy regarding Domestic Violence is that it is behavior that is incompatible with maintaining "good order and discipline" and is an absolute violation of a Marine's Core Values: Courage, Honor, and Commitment.

A Marine will be held accountable for perpetrating acts of Domestic Violence and assisted in safety planning to avoid being a victim of such acts. Similar expectations and guidance applies to family members as well.

The Marine Corps Family Advocacy Program (FAP) is tasked by the Dept. of Defense with intervening in cases where Domestic Violence has been alleged. (This criterion has been expanded to include cohabitating partners and partners who share a child.) Full clinical assessments are provided by FAP personnel to all involved parties, and medical and investigative data is gathered to be presented to a multi-disciplinary team for the administrative purpose of adjudicating if the abuse occurred and identification of the victim and offender. Victim Advocacy services and safety planning are ongoing activities in this process.

This multi-disciplinary team activity is called the Case Review Committee (CRC) and a senior Marine from the command of the Marine being reviewed is a participant in the proceedings. The CRC will make recommendations for rehabilitation to the command for their disposition.

**Points of Contact at San Diego Marine Bases**

<p><b>MCAS Miramar</b>          FAP Manager - Tim Stanton          (858) 577-6585      FAX (858) 577-4378          PMO Desk Sergeant (858) 577-4068</p>	<p><b>MCRD</b>          FAP Manager – Jeanne Mossuto          (619) 524-5730      FAX (619) 524-0464          PMO Desk Sergeant (619) 524-4202</p>
<p><b>MCRD</b>          FAP Manager - Jeanne Mossuto          (619) 524-5730      FAX (619) 524-0464</p>	<p><b>Camp Pendleton</b>          FAP Manager – Lou Jean Fausner          (760) 725-9051      FAX (760) 725-0312          PMO Desk Sergeant (760) 763-2077</p>





## **ADDENDUM – D**

### **VICTIM SAFETY & DV INFORMATION**

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San Diego County Domestic Violence Hotline:  
1-888-DVLINKS (1-888-385-4657) 24 hour/365 day a year, English/Spanish  
Provides victims of DV who are in need of immediate assistance – shelter availability, TRO  
clinics, safety planning, counseling referrals, and other DV resources

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#### **Samples:**

#### **I. PERSONALIZED SAFETY PLAN:<sup>3</sup>**

##### **Safety during a violent incident. I can use some or all of the following strategies:**

- A. If I have/decide to leave my home, I will go \_\_\_\_\_.
- B. I can tell \_\_\_\_\_ (neighbors) about the violence and request they call the police if they hear suspicious noises coming from my house.
- C. I can teach my children how to use the telephone to contact the police.
- D. I will use \_\_\_\_\_ as my code word so someone can call for help.
- E. I can keep my purse/car keys ready at (place) \_\_\_\_\_, in order to leave quickly.
- F. I will use my judgment and intuition. If the situation is very serious, I can give my partner what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger.

##### **Safety when preparing to leave. I can use some or all of the following safety strategies:**

- A. I will keep copies important documents, keys, clothes and money at \_\_\_\_\_.
- B. I will open a savings account by \_\_\_\_\_, to increase my independence.
- C. Other things I can do to increase my independence include: \_\_\_\_\_.
- D. I can keep change for my phone calls on me at all times. I understand that if I use my telephone credit card, the telephone bill will show my partner those numbers that I called after I left.
- E. I will check with \_\_\_\_\_ and my advocate to see who would be able to let me stay with them or lend me some money.
- F. If I plan to leave, I won't tell my abuser in advance face-to-face, but I will call or leave a note from a safe place.

##### **Safety in my own residence. Safety measures I can use include:**

- A. I can change the locks on my doors and windows as soon as possible.
- B. I can replace wooden doors with steel/metal doors.
- C. I can install additional locks, window bars, poles to wedge against doors, and electronic systems etc.
- D. I can install motion lights outside.

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<sup>3</sup> <http://www.endabuse.org/programs/healthcare/files/Consensus.pdf>

- E. I will teach my children how to make a collect call to \_\_\_\_\_ if my partner takes the children.
- F. I will tell people who take care of my children that my partner is not permitted to pick up my children.
- G. I can inform \_\_\_\_\_ (neighbor) that my partner no longer resides with me and they should call the police if he is observed near my residence.

**Safety with a protection order. The following are steps that help the enforcement of my protection order.**

- A. Always carry a certified copy with me and keep a photocopy.
- B. I will give my protection order to police departments in the community where I work and live.
- C. I can get my protection order to specify and describe all guns my partner may own and authorize a search for removal.

**II. WHAT I NEED TO TAKE WHEN I LEAVE:<sup>4</sup>**

Identification for myself	Address Book	Driver's License
Pictures	Children's Birth Certificates	Medical records - for all family members
My birth certificate	Social Security Cards	Money
Welfare Identification	Rental Agreement	School records
Lease	Mortgage payment book	Work permits
House deed	Bank books	Green card
Checkbooks	Credit cards	Divorce papers
Passport(s)	Insurance papers	Jewelry
Keys - house/car/office	Medications for me and my children	Children's favorite toys and/or blankets
Items of special sentimental value	Small saleable objects	

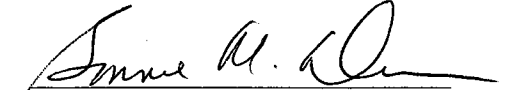
<sup>4</sup> [http://www.sdsheriff.net/CID/services\\_dvsafetyplan.html](http://www.sdsheriff.net/CID/services_dvsafetyplan.html)

**DOMESTIC VIOLENCE AND CHILDREN EXPOSED TO DOMESTIC VIOLENCE  
LAW ENFORCEMENT PROTOCOL**

**THE TERM OF AGREEMENT**

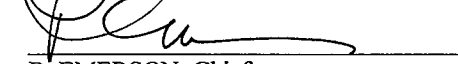
The parties, evidenced by their signatures hereto, agree that this Protocol shall be effective upon approval and shall remain in full force and effect until any party withdraws from participation or revised version is established.

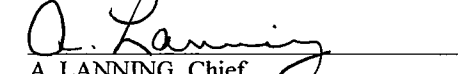
AGREE HERETO BY ALL PARTIES WHOSE SIGNATURES APPEAR BELOW:


  
B. DUMANIS, D.A.  
Office of the District Attorney

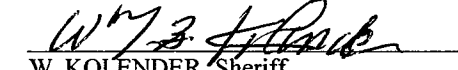
  
S. CARTER, Chief  
Border Division, California Highway Patrol


  
T. ZOLL, Chief  
Carlsbad Police Department

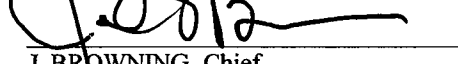
  
R. EMERSON, Chief  
Chula Vista Police Department


  
A. LANNING, Chief  
La Mesa Police Department


  
A. GONZALEZ, Chief  
National City Police Department

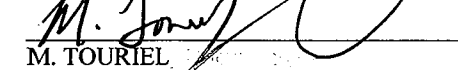
  
W. KOLENDER, Sheriff  
San Diego County Sheriff Department

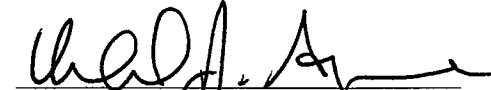
  
W. LANSDOWNE, Chief  
San Diego Police Department

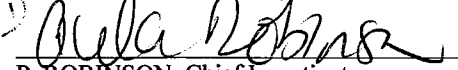
  
J. BROWNING, Chief  
San Diego State University Police Department

  
R. PARTRIDGE, Special Agent in Charge  
Drug Enforcement Administration

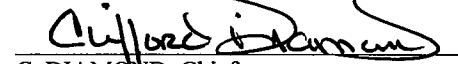
  
J. HENSLEY, Chief  
San Diego Probation Department

  
M. TOURIEL  
Navy Family Advocacy Center

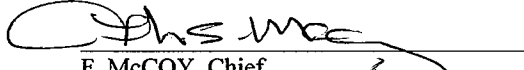
  
M. AGUIRRE, City Attorney  
Office of the City Attorney


  
P. ROBINSON, Chief Investigator  
Office of the District Attorney

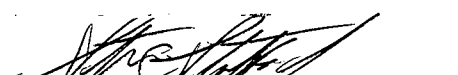
  
L. SCANLON, Chief  
Coronado Police Department

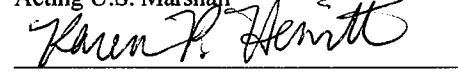
  
C. DIAMOND, Chief  
El Cajon Police Department

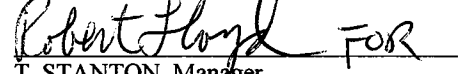
  
J. MAHER, Chief  
Escondido Police Department


  
F. MCCOY, Chief  
Oceanside Police Department

  
K. SANTILIPPO, Chief  
San Diego Harbor Police

  
S. STAFFORD  
Acting U.S. Marshall

  
K. HEWITT  
U.S. Attorney

  
T. STANTON, Manager  
MCAS Miramar Family Advocacy Program

  
O. KING  
University of California San Diego Police

Date: 12-5-07